

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 14,562

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Appeal of)

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INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare reducing her ANFC benefits and terminating her Food Stamps. The issues are whether the father of the petitioner's children failed without good cause to comply with the Reach Up work requirements and, if so, whether the Department correctly imposed the sanctions specified under those programs. ⁽¹⁾

FINDINGS OF FACT

Prior to July, 1996, the petitioner received ANFC and Food Stamps for herself and her two children based on the absence from the home of the children's father. Sometime around July, 1996, the father returned to the home and was added to the petitioner's ANFC and Food Stamp grants. As the "unemployed parent" in a Group 3 household, the father was required to cooperate with the job search requirements of Reach Up.

From the outset, the father did not comply with the Reach Up program. In late August, 1996, the Department of Employment and Training (DET), which administers Reach Up, notified the Department that the father should be sanctioned for failing to submit required job search contact forms and for failing to attend two scheduled conciliation meetings with his Reach Up case manager.

At this same time, the family was reaching the end of the time limits imposed on Group 3 ANFC households under the Welfare Restructuring Project (WRP). On September 10, 1996, the Department sent the petitioner a notice that due to the father failing to comply with the job search requirements her ANFC grant would be placed on vendor payments and the father would have to comply with additional work search requirements, effective October 1, 1996.

On September 11, 1996, the Department sent the petitioner a second notice stating that because the father had not complied with the job search requirements, also effective October 1, 1996, the family's ANFC grant would be reduced by removing the father's needs from the grant, and the entire family would be ineligible for Food Stamps until the father cooperated with Reach Up.

At a hearing held on October 11, 1996, the petitioner alleged that the father had left the home in late August to go to Maine for unspecified "job training". She admitted that the father had received the

notices from Reach Up when they had come (in July and early August, 1996) and that he had not complied with them. She stated, however, that she was unable to "make him go" to Reach Up.

ORDER

The Department's decision is affirmed.

REASONS

This case was complicated by the fact that when the Department imposed "sanctions" against the household for the father's failure to cooperate with Reach Up, the household had exceeded the time limits under WRP in which an adult member must find work. As noted above, the petitioner did not dispute the factual bases of the Department's actions, i.e., that the household was at the end of its time limit under WRP and that the father had not complied with Reach Up. The remaining issue is determining which ANFC and Food Stamp sanctions were applicable given the household's status of being at the end of its WRP time limit.

For Group 3 families who have reached the end of their ANFC time limit the sanction "when a parent fails, without good cause, to comply with job search requirements" is for that parent to "have his or her needs removed from the ANFC grant" and for the family to have its "housing, fuel, utilities and food costs . . . be paid by third-party vendor payments . . ." W.A.M. § 2351.2. There does not appear to be any question that the Department imposed the proper sanctions for ANFC in accordance with this regulation.

The Food Stamp Sanction is not quite as clear. Food Stamp Manual (FSM) §§ 273.7(g)-(h) provide that when the "head of household" fails to comply with a "comparable" ANFC work registration requirement, the entire household is ineligible for Food Stamps until the head of household complies. However, a "Vermont Note" in § 273.7(g)(2) provides:

Individuals in Group 3 of the ANFC Welfare Restructuring Project sanctioned under ANFC for failure to meet the demonstration's work requirements are exempt from the Food Stamp failure to comply without good cause and voluntary quit sanctions. . . .

The Department maintains that the words "demonstration's work requirements" in above provision means only the WRP time limit work and registration requirements and does not refer to the ANFC Reach Up cooperation requirements, which apply to all ANFC recipients--not just those in Group 3. Otherwise, the Department points out, Group 3 participants, whose ANFC sanctions are more stringent under WRP than Groups 1 or 2, could avoid Reach Up cooperation without any consequences to their Food Stamps--something, the Department maintains, WRP clearly did not intend.

The Department's interpretation of the above Food Stamp sanction provisions is consistent with the wording of the regulations and does not conflict with the intent of WRP for Group 3 households. Therefore, the Board is bound by law to affirm the Department's decision in this matter. 3 V.S.A. § 3091 (d) and Fair Hearing Rule No. 17.

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1. A hearing in this matter was held on October 11, 1996. Consideration of this case was delayed due to subsequent inquiries by the hearing officer for more specific information and explanation of the Department's position, and delays in the Department's responses to these inquiries. It appears that the petitioner received continuing benefits from October at least through December, 1996. The Department's records indicate that the petitioner began working in December, 1996, and adjustments to her grant based on her income were made at that time. The petitioner did not appeal any action of the Department subsequent to the events described herein.